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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,173	09/30/2003	Joshua Lindquist	MSFT5	5910

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MINNEAPOLIS, MN 55402-0903

EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2194

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/675,173	Applicant(s) LINDQUIST ET AL.	
	Examiner Andy Ho	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/03; 7/1/04; 7/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed 9/30/2003.
2. Claims 1-16 have been examined and are pending in the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer readable medium having instructions thereon which when executed perform the steps of the methods of the claims would normally considered statutory. However, the specification defines computer readable medium as including communication media (Specification, line 2 page 5). Such communication media could include carrier wave, wireless medium... which incapable of being touched or perceived absent the statutory medium through which they are conveyed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-14 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

(i) the solution specification file – (Claims 12-14). Corrections are required.

(ii) the customized web part – (lines 7-8 claim 16). Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-2, 5-10 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Zdun 2002 Publication.

As to claim 1, Zdun teaches a method of providing a customized web part (customizing and modifying web objects, Sections 3-4 pages 4-5), comprising:

accessing a web part assembly which is capable of providing a presentation of a web part (accessing PoolPage that builds webpage having data objects or web objects, Section 3 page 4);

accessing a specification file associated with the web part (accessing XML page template files contain configurable description of the web pages and the objects stored within the pages, Sections 3-4 pages 4-5); and

modifying the presentation of the web part in accordance with the specification file to provide a modified presentation as at least part of the customized web part (changing information in the web objects according to XML page template files which contain configurable description of the web pages and the objects stored within the pages, Section 4.4 page 6, and Sections 3-4 pages 4-5).

As to claim 2, Zdun further teaches modifying the presentation of the web part in accordance with the specification file is performed by executing code embedded in the specification file (executing code of the XML page template files, Section 4.3 page 6).

As to claim 5, Zdun further teaches the web part consists essentially of compiled code (Section 3 page 4) and where the code embedded in the specification file has not been compiled (XML page template files are used to encode, Section 4 page 4-5).

As to claim 6, Zdun further teaches modifying the presentation of the web part in accordance with the specification file comprises the step of adding an element to the web part (adding information, last paragraph of Section 4.2 page 5).

As to claim 7, Zdun further teaches modifying the presentation of the web part in accordance with the specification file comprises the step of changing a characteristic of an existing element of the web part (changing information in the web objects, first paragraph of Section 4.4 page 6).

As to claim 8, Zdun further teaches modifying the presentation of the web part in accordance with the specification file comprises the step of deleting an element of the web part (remove a data element, last paragraph of Section 4.2 page 5).

As to claim 9, it is a computer readable medium claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 10, it is an apparatus claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 16, Zdun teaches a server (web server, Fig. 2 page 4) operative to:
receive a request from a requesting device for a web page (receiving request for a web page from the client, Fig. 2 and associated specification);

access a web part assembly which is capable of providing a presentation of a web part (accessing PoolPage that builds webpage having data objects or web objects, Section 3 page 4);

access a specification file associated with the web part (accessing XML page template files contain configurable description of the web pages and the objects stored within the pages, Sections 3-4 pages 4-5);

modify the presentation of the web part in accordance with the specification file to provide a modified presentation as at least part of the customized web part (changing information in the web objects according to XML page template files which contain configurable description of the web pages and the objects stored within the pages, Section 4.4 page 6, and Sections 3-4 pages 4-5);

render a web page representative of the modified presentation (dynamically builds the web page, Section 3 page 4); and

send the rendered web page to the requesting device (sending the web page to the user, Section 3 page 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdun in view of Houghton U.S Patent No. 6,757,707.

As to claims 3-4, Zdun does not teach the code embedded in the specification file is HTML code or JAVA script. Houghton teaches in a system relating to web pages wherein a template file could contain HTML code or JAVA script (lines 10-52 column 13). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Zdun reference to include the teachings of Houghton reference because by having HTML code or JAVA script in a template file, the system could executing the code and generating the content of a website as disclosed by Houghton (lines 10-52 column 13).

7. Claims 11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdun in view of Rees U.S Patent No. 6,993,569.

As to claim 11, Zdun teaches a system for providing a customized presentation of a web part (customizing and modifying web objects, Sections 3-4 pages 4-5) comprising:

a web part assembly (PoolPage that builds webpage having data objects or web objects, Section 3 page 4) and a specification file (XML page template files contain configurable description of the web pages and the objects stored within the pages, Sections 3-4 pages 4-5), the web part assembly containing code for a web part presentation (PoolPage that builds webpage having data objects or web objects, Section 3 page 4) and the specification file relating to the presentation (XML page template files contain configurable description of the web pages and the objects stored within the pages, Sections 3-4 pages 4-5);

responsive to the code in the web part assembly for providing the web part presentation (PoolPage defines web objects, Section 3 page 4), and responsive to the code in the specification file for modifying the web part presentation (changing information in the web objects according to XML page template files which contain configurable description of the web pages and the objects stored within the pages, Section 4.4 page 6, and Sections 3-4 pages 4-5).

Zdun teaches a system of using a web server to provide web pages to a client (Fig. 2 page 4). However, Zdun does not explicitly teach a storage device and a processing device.

Rees teaches a system comprising a web server providing web pages to a client wherein programs running in the web server need to be stored in a memory and executed by a processor (line 62 column 2 to line 14 column 3). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Zdun reference to include the teachings of Rees reference because a memory and a processor are required operating elements wherein such elements are used by a web server to process a client's request and provide a web page to the client as disclosed by Rees (line 62 column 2 to line 14 column 3).

As to claim 14, Zdun as modified further teaches the code embedded in the solution specification file is not compiled code (XML page template files are used to encode, Section 4 page 4-5).

As to claim 15, Zdun as modified does not teach a first and second storage devices that are used to store the web part assembly and the specification file. Rees teaches a system having a storage subsystem. The storage subsystem may include a memory, a hard disk drive...that store computer programs running in the server (line 62 column 2 to line 14 column 3). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Zdun reference to include the teachings of Rees reference because the elements of a storage subsystem are required operating elements wherein such elements are used by a web server in the process of executing a client's request and providing a web page to the client as disclosed by Rees (line 62 column 2 to line 14 column 3).

8. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdun in view of Rees, and further in view of Houghton.

As to claims 12-13, Zdun as modified does not teach the code embedded in the specification file is HTML code or JAVA script. Houghton teaches in a system relating to web pages wherein a template file could contain HTML code or JAVA script (lines 10-52 column 13). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Zdun reference as modified to include the teachings of Houghton reference because by having HTML code or JAVA script in a template file, the system could executing the code and generating the content of a website as disclosed by Houghton (lines 10-52 column 13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 - 3762

A.H

December 26, 2006

A handwritten signature in black ink, appearing to read "Andrew", with a long horizontal stroke extending to the right.